

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.21003 of 2008
GOPAL SHARAN MAHTO
Versus
THE STATE OF BIHAR

03/ 19.08.2008

Heard.

The allegation against the petitioner is that in absence of the husband of the lady, who happens to be the petitioner's daughter-in-law, the petitioner committed rape upon her and the lady getting pregnant was admitted to a doctor for abortion and accordingly, she was aborted of the child. The medical report is available in the court in paragraph 36 of the case and the copy was in the hand of the I.O. indicates that there was no sign of recent delivery of any child.

The contention is that the lady herself admits absence of her husband from the house. She was carrying on illicit relationship with one Pawan Kumar, which was opposed by the petitioner, who also filed a case against the said Pawan Kumar and as such the lady has filed the case under the influence of said Pawan Kumar.

Regard being had to the facts, the material and also the contention, let petitioner Gopal Sharan Mahto be released from custody on furnishing a bond of Rs. 10,000/- (ten thousand) with two sureties of the like

amount each to the satisfaction of Additional Sessions Judge, I, Nawada in connection with Sessions Trial No. 37 of 2008 arising out of Govindpur P.S. Case No. 52 of 2007.

DKS/

(Dharnidhar Jha, J.)

